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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

IN RE CAPACITORS ANTITRUST  
LITIGATION

This Document Relates To:  
ALL ACTIONS

Case No. 14-cv-3264-JD

**RESPONSE TO FIVE RIVERS'  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES SHOULD  
BE RELATED**

Judge: Hon. James Donato

1 DEPENDABLE COMPONENT SUPPLY  
2 CORP., Plaintiff, on behalf of itself and  
3 others similarly situated,

4 v.

5 MURATA MANUFACTURING CO., LTD.;  
6 MURATA ELECTRONICS NORTH  
7 AMERICA, INC.; PANASONIC  
8 CORPORATION; PANASONIC  
9 CORPORATION OF NORTH AMERICA;  
10 PANASONIC ELECTRONIC DEVICES  
11 CO. LTD; PANASONIC ELECTRONIC  
12 DEVICES CORPORATION OF  
13 AMERICA; SUMIDA CORPORATION;  
14 SUMIDA ELECTRIC CO., LTD.; SUMIDA  
15 AMERICA COMPONENTS, INC.; TAIYO  
16 YUDEN CO., LTD.; TAIYO YUDEN  
17 (U.S.A.) INC.; TDK CORPORATION;  
18 TDK-EPC CORPORATION; AND TDK  
19 U.S.A. CORPORATION, Defendants.

Case No. 3:18-cv-198-EJD

Judge: Hon. Edward J. Davila

20 POWERWEB, INC. AND POWERWEB  
21 ENERGY, INC., on behalf of themselves and  
22 others similarly situated,

23 Plaintiffs,

24 v.

25 MURATA MANUFACTURING CO., LTD.;  
26 MURATA ELECTRONICS NORTH  
27 AMERICA, INC.; PANASONIC  
28 CORPORATION; PANASONIC  
CORPORATION OF NORTH AMERICA;  
PANASONIC ELECTRONIC DEVICES CO.  
LTD; PANASONIC ELECTRONIC  
DEVICES CORPORATION OF AMERICA;  
SUMIDA CORPORATION; SUMIDA  
ELECTRIC CO., LTD.; SUMIDA AMERICA  
COMPONENTS, INC.; TAIYO YUDEN  
CO., LTD.; TAIYO YUDEN (U.S.A.) INC.;  
TDK CORPORATION; TDK-EPC  
CORPORATION; TDK CORPORATION OF  
AMERICA, and TDK U.S.A.  
CORPORATION,

Defendants.

Case No. 3:18-cv-00349-EJD

[Related to Case No. 3:18-cv-198-EJD]

LIFETIME SERVICE CENTER, INC., on  
behalf of itself and others similarly situated,

Case No. 3:18-cv-00511-EJD

[Related to Case No. 3:18-cv-198-EJD]

1                                   Plaintiff,

2                                   v.

3 MURATA MANUFACTURING CO., LTD.;  
4 MURATA ELECTRONICS NORTH  
5 AMERICA, INC.; PANASONIC  
6 CORPORATION; PANASONIC  
7 CORPORATION OF NORTH AMERICA;  
8 PANASONIC ELECTRONIC DEVICES CO.  
9 LTD; PANASONIC ELECTRONIC  
10 DEVICES CORPORATION OF AMERICA;  
11 SUMIDA CORPORATION; SUMIDA  
ELECTRIC CO., LTD.; SUMIDA AMERICA  
COMPONENTS, INC.; TAIYO YUDEN CO.,  
LTD.; TAIYO YUDEN (U.S.A.) INC.; TDK  
CORPORATION; TDK-EPC  
CORPORATION; TDK CORPORATION OF  
AMERICA, and TDK U.S.A.  
CORPORATION,

12                                   Defendants.  
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## 1 I. INTRODUCTION

2 Plaintiffs in the *Dependable*, *Powerweb*, and *Lifetime* cases<sup>1</sup> (collectively, for  
3 purposes of this response, the “*Inductors*” cases) jointly respond to the motion to relate their  
4 cases to the *Capacitors* litigation<sup>2</sup> that was filed by the plaintiff in *Five Rivers Electronic*  
5 *Innovations LLC v. Kemet Corporation, et al.*, No. 18-cv-851 JSW (N.D. Cal.). While  
6 Plaintiffs do not oppose relating the *Five Rivers* case to their *Inductors* cases, Plaintiffs  
7 respectfully request that in considering whether the *Five Rivers* action is related to *Capacitors*  
8 the Court consider that: (1) this Court has already effectively determined that these cases are  
9 not appropriately related to *Capacitors* or *Resistors*<sup>3</sup> in a prior Order (*Resistors*, ECF No.  
10 383); and (2) the *Inductors* cases are already progressing efficiently under Judge Edward  
11 Davila at this point, and thus, Five Rivers’ motion at this stage undercuts, rather than  
12 promotes, the efficiencies sought by Local Rule 3-12.

## 13 II. LEGAL STANDARD

14 Under Civil Local Rule 3-12(a), “[a]n action is related to another when: (1) The  
15 actions concern substantially the same parties, property, transaction or event; and (2) It  
16 appears likely that there will be an unduly burdensome duplication of labor and expense or  
17 conflicting results if the cases are conducted before different Judges.” Civil L.R. 3-12(a).

## 18 III. DISCUSSION

### 19 A. This Court Has Already Effectively Determined Relationship of the 20 *Inductors* Cases is Not Warranted, and There are Meaningful Differences 21 Between the Cases.

22 Earlier this year, the Plaintiff in the *Dependable* case filed a motion to determine  
23 whether its case should be related to the *Resistors* action pending before this Court, which in

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24 <sup>1</sup> *Dependable Component Supply Corp. v. Murata Manufacturing Co. Ltd. et al.*, No. 18-cv-  
25 00189-EJD (N.D. Cal.) (“*Dependable*”), *Powerweb, Inc. et al. v. Murata Manufacturing Co.*  
26 *Ltd. et al.*, No. 18-cv-00349-EJD (N.D. Cal.) (“*Powerweb*”), and *Lifetime Service Center, Inc.*  
27 *v. Murata Manufacturing Co. Ltd. et al.*, No. 18-cv-00511-EJD (N.D. Cal.) (“*Lifetime*”).

28 <sup>2</sup> *In re Capacitors Antitrust Litig.*, No. 14-md-3264 (N.D. Cal.) (“*Capacitors*”).

<sup>3</sup> *In re Resistors Antitrust Litig.*, No. 15-cv-3820 (N.D. Cal.) (“*Resistors*”). The Court  
previously denied a motion to relate *Resistors* and *Capacitors*. *Capacitors*, ECF No. 923.

turn, is related to the *Capacitors* action. *Resistors*, ECF No. 376. Dependable outlined the commonalities between its case to the *Resistors* action—and the *Capacitors* action, which was discussed throughout the brief—noting that all three of these cases allege cartel activities in the markets for passive electronic components. *Id.* at 1. In doing so, Dependable also acknowledged that it alleged a conspiracy concerning “a different passive electronic component, distinct markets, and alleged cartel participants other than those at issue in *Capacitors* and *Resistors*.” *Id.* at 1-2. It also noted that the Court had earlier rejected a motion to relate the *Resistors* and *Capacitors* actions (*Capacitors*, ECF No. 923), although the Northern District executive committee later moved the *Resistors* action before this Court after Judge Whyte’s retirement was announced (*Resistors*, ECF No. 151).

The Court denied Dependable’s motion to relate on January 18, 2018. *Id.*, ECF No. 383. Given the Court’s ruling, none of the parties in subsequently-filed cases moved to relate their *Inductors* cases to *Resistors* or *Capacitors*.<sup>4</sup>

**B. Judge Davila is Already Managing the *Inductors* Cases, and Thus Five Rivers’ Motion at this Point Undercuts, Rather than Promotes, Efficiency.**

The *Inductors* cases are efficiently progressing before Judge Davila (who received the cases after Dependable’s relationship motion was denied), and none of Local Rule 3-12’s concerns warrant hindering that progress. Judge Davila has already gained familiarity with the *Inductors* cases as he has reviewed the *Dependable*, *Powerweb*, *Lifetime*, and *Cambridge*<sup>5</sup> Complaints and found that those cases are appropriately related together. He has also already issued other case management orders, including setting a case management conference in April, ruling on Plaintiffs’ stipulation with Defendants on scheduling issues and alternative service for the foreign parent companies, and setting a hearing on Plaintiffs’ motion to

<sup>4</sup> Although Civil Local Rule 7-11 requires the movant to seek a stipulation with the other parties in filing an administrative motion such as motion to relate or to explain why such a stipulation could not be obtained, Five Rivers did not reach out to any of the Plaintiffs in the *Inductors* actions. As a result, Plaintiffs did not have the opportunity to alert Five Rivers’ counsel about the Court’s prior order or take other action to help inform this decision.

<sup>5</sup> *Cambridge Capital Corp. v. Murata Manufacturing Co., Ltd.*, No. 18-cv-00686-EJD (N.D. Cal.).

1 consolidate these *Inductors* cases as well as a motion to appoint interim lead counsel for the  
2 proposed classes.

3 Thus, to the extent there are typically efficiencies to be gained in relating cases under  
4 Civil Local Rule 3-12, Five Rivers' Motion at this time risks delaying the litigation, not  
5 making it more efficient. Nor is there any clear benefit to *Capacitors* by relating these cases.

6 **V. CONCLUSION.**

7 In sum, the Court has already effectively ruled on a substantially similar motion and  
8 determined relationship was not necessary—a determination supported by the fact that there  
9 are different components, markets, and defendants at issue. In the meantime, the *Inductors* cases  
10 are progressing under Judge Davila's leadership. Plaintiffs respectfully raise these  
11 considerations in connection with Five Rivers' Motion to Relate their cases to the *Capacitors*  
12 litigation.

13  
14 Dated: February 20, 2018

Respectfully submitted,

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**SIGNATURE ATTESTATION**

Pursuant to General Order No. 45(X)(B), I hereby attest that I have obtained the concurrence in the filing of this document from all signatories for whom a signature is indicated by a “conformed” signature (/s/) within this e-filed document. I have on file records to support this concurrence for subsequent production for the court if so order or for inspection upon request.

Dated: February 20, 2018

/s/ Lesley E. Weaver

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*Attorney for Plaintiff Dependable Component  
Supply Corp.*